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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yasumasa Nakajima

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EXAMINER

QUIETT, CARRAMAH J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/053,477	Applicant(s) NAKAJIMA ET AL.	
	Examiner Carramah J. Quiett	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,7,9,32 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,7,9,32 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/06/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment(s), filed on 07/05/2007, have been entered and made of record. Claims 6-10 and 32-35 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS), filed on 08/06/2007, has been placed in the application file, and the information referred to therein has been considered as to the merits.

Response to Arguments

3. Applicant's arguments filed 07/05/2007 have been fully considered but they are not persuasive.

For **claims 6 and 32**, Applicants assert that the Kinjo reference does not cure the deficiencies of the Watanabe reference relative to the claimed subject matter because the Kinjo reference does not disclose or suggest the relating of image data and image processing control information as in the claimed subject matter. The Applicants also assert that,

“In contrast, the image processing condition of the claimed subject matter *does not depend on a shooting scene*. Further, while an image processing control parameter is for allowing an image pick-up device to designate an image processing condition under which an image processing device carries out *image processing on individual image data*, the “corresponding photographic data” of Kinjo only represents shooting conditions at the time of the shooting of the photograph, and such “corresponding photographic data” is not associated with the individual image data.” [*Applicants’ Remarks, filed 07/05/2007.*]

Respectfully, the Examiner disagrees. In response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the features upon which applicant relies (i.e., the image processing condition does not depend on a shooting scene and

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image processing on individual image data) are not recited in the rejected *claim(s) 6 and 32*.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

While claims 9 and 34 further defines image processing control parameters, please note that Watanabe teaches the claimed (claims 9 and 34) parameters (Watanabe, col. 5, lines 19-43). Accordingly, the Examiner maintains the rejections to claims 6, 7, 9, 32, and 34.

Claim Objections

4. Claims 6 and 32 are objected to because of the following informalities:

Claims 6 and 32 each recite the following claim terminology, “an image processing control parameter”, “an image processing condition”, “designating...an image condition”, “acquiring...a plurality of image processing control parameters”, “a designated imaging condition”, and “a plurality of acquired image processing control parameters”. Please be consistent with all of the claim terminology. For example (but not limited to this example), is “image processing condition” the same as “image (or imaging) condition”? Is the “plurality of image processing control parameters” related to the previously claimed “image processing control parameter”? Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. **Claims 6, 7, 9, 32, and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (U.S. Pat. #5,528,293) in view of Kinjo (U.S. Pat. #6,583,811).

For **claim 6**, Watanabe discloses an image pick-up device for generating image data that is related to an image processing control parameter designating an image processing condition for image data (fig. 1 and col. 3, line 37 – col. 5, line 24), said image pick-up device comprising:

means for generating (fig. 1, ref. 10) configured to generate said image data (col. 3, lines 37-46);

means for designating (fig. 1, ref. 21; fig. 2a – JPEG header) an image condition when said means for generating mechanism generates said image data (col. 5, lines 19-43);

means for storing (fig. 1, ref. 30) a plurality of combinations, each combination composed of said imaging condition and a plurality of said image processing control parameters (col. 5, lines 19-24);

Watanabe does not expressly disclose said image processing condition being a condition for an output device that will output said image data, means for acquiring from said means for storing a plurality of image processing control parameters for a designated imaging condition; and means for relating said generated image data to a plurality of acquired image processing control parameters, and outputting the related image data.

In a similar field of endeavor, Kinjo discloses an image pick-up device wherein said image processing condition is a condition for an output device (fig. 4) that will output said image data (col. 5, lines 17-32),

means for acquiring (fig. 4, refs. 27-30) from said means for storing a plurality of image processing control parameters for a designated imaging condition (col. 5, lines 4-16); and

means for relating (Fig. 4, ref. 30) said generated image data to a plurality of acquired image processing control parameters, and outputting the related image data (col. 5, lines 17-32). In light of the teaching of Kinjo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Watanabe in order to produce a high quality image when the image is read from a recording medium (Kinjo, col. 1, lines 33-52).

For **claim 7**, Watanabe, as modified by Kinjo, discloses an image pick-up device comprising:

means for modifying (Kinjo, fig. 4, 26 (34-35)) a value of any image processing control parameter among said plurality of acquired image processing control parameters (Watanabe, col. 5, lines 19-43) (Kinjo, col. 5, lines 17-32).

For **claim 9**, Watanabe, as modified by Kinjo, discloses an image pick-up device wherein said image processing control parameters include at least parameters relating to color space, gamma correction value, contrast, brightness, color balance, saturation, sharpness, color cast, and noise elimination (Watanabe, col. 5, lines 19-43) (Kinjo, col. 5, lines 17-32).

For **claim 32**, Watanabe discloses an image pick-up device for generating image data that is related to an image processing control parameter designating an image processing condition for image data (fig. 1 and col. 3, line 37 – col. 5, line 24), said image pick-up device comprising:

means for generating (fig. 1, ref. 10) configured to generate said image data (col. 3, lines 37-46);

means for designating (fig. 1, ref. 21; fig. 2a – JPEG header) an image condition when said an imaging data generating mechanism generates said image data (col. 5, lines 19-43);

means for storing (fig. 1, ref. 30) a plurality of sets of said image processing control information, the information specifying an image processing control parameter set to be used for image processing of said image data, under said imaging condition (col. 5, lines 19-24);

Watanabe does not expressly disclose said image processing condition being a condition for an output device that will output said image data, means for acquiring from said means for storing a plurality of image processing control parameters for a designated imaging condition; and means for relating said generated image data to a plurality of acquired image processing control parameters, and outputting the related image data.

In a similar field of endeavor, Kinjo discloses an image pick-up device wherein said image processing condition is a condition for an output device (fig. 4) that will output said image data (col. 5, lines 17-32),

means for acquiring (fig. 4, refs. 27-30) from said means for storing a plurality of image processing control parameters for a designated imaging condition (col. 5, lines 4-16); and

means for relating (Fig. 4, ref. 30) said generated image data to a plurality of acquired image processing control parameters, and outputting the related image data (col. 5, lines 17-32).

In light of the teaching of Kinjo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Watanabe in order to produce a high quality image when the image is read from a recording medium (Kinjo, col. 1, lines 33-52).

Claim 34 is an apparatus corresponding to the apparatus claim 9. Therefore, apparatus claim 34 is analyzed and rejected as previously discussed with respect to claim 9.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJQ
September 11, 2007


NGOC-YEN VU
SUPERVISORY PATENT EXAMINER